IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Scott Lochner et al.	Art Unit : 2629
Serial No.: 09/994,520	Examiner : Duc Q. Dinh
Filed : November 26, 2001	
Title : MODULAR COMPUTER SYSTEM	

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPLICANT'S BRIEF ON APPEAL

Sir:

In response to the Official Action mailed March 2, 2007, applicants herewith exercise option (2) and have filed a notice of appeal on August 2, 2007 and herewith file an appeal brief (fees were previously paid).

This appeal brief is under Rule 41.37, thereby perfecting the notice of appeal that was originally filed on August 2, 2007. The sections required by Rule 41.37 follow.

(1) Real Party in Interest

The inventor, Scott Lochner, has not assigned the application and therefore is the real party in interest.

(2) Related Appeals and Interferences

There are no known related appeals or interferences.

(3) Status of Claims

Claims 2-22 and 24-33 are pending. Claims 22 and 24-33 have been withdrawn from consideration. Claims 2-21 are rejected and are appealed herein.

(4) Status of Amendments

No amendment was filed after the final official action.

(5) Summary of Claimed Subject Matter

Claim 2 defines a system with a first housing that allows entry of data, has a display part, and has a first wireless transceiver part. This is shown as housing 2 in figure 1, also described at page 6 line 14 through page 6 line 22. Claim 2 further defines a second housing separate from the first housing that includes a second wireless transceiver part, see the second housing 4 in figure 1 and the description page 7 lines 14-16 and page 8 lines 1-5. The second housing includes a video generation element that produces a video output including at least one synchronization signal, see page 9 lines 17-22. this video synchronization signal is sent to the other unit.

Claim 13 requires a data entry part. See the data entry function page 6 line 20 through page 7 line 3. Claim 6 also requires a first wireless transceiver that receives video information that includes only new image information

representing changes in an image sensor's previous transmission. See page 13 lines 16-18.

(6) Grounds of Rejection

The current grounds of rejection to be reviewed on appeal are:

Are claims 2, 3, 5, 8 and 12 properly rejected under 35 USC 102 as being anticipated by Lemelson et al.?

Are claims 4 and 6 properly rejected under 35 USC 103 as being obvious based on Lemelson et al. in view of Tymes?

Are claims 10, 13-16, 19-21 properly rejected under 35 USC 103 as being obvious based on Lemelson et al. in view of Taaffe et al?

Is claim 9 properly rejected under 35 USC 103 over Lemelson et al. in view of Pfeiffer et al?

Are claims 11 and 17-18 properly rejected over Lemelson in view of Taafee and Tymes?

(7) Argument

Rejections under § 102

Claims 2, 3, 5, 8 and 12 stand rejected under 35 USC 102(b) as allegedly being anticipated by Lemelson et al. This contention is respectfully traversed.

The scope of Claim 2 has been described above. Note that Claim 2 requires that a video output is sent from the second housing to the first housing "to drive said display part to display information based on said video output with at least one synchronization signal". Claim 2 also defines that the second housing is "separate from the first housing". Accordingly, overall, therefore, Claim 2 requires that video information and at least one synchronization signal is sent from the second housing wirelessly to the first housing, and that the wireless information including at least one synchronization signal is used to create a display at the first housing.

Again, this claim requires that video information and a synchronization signal created at one housing must be wirelessly sent to the other housing.

Lemelson et al. teaches a video phone which creates both video and audio to be sent from the transmitter to the receiver. However, the information which Lemelson teaches sending is not conventional video of the type that includes synchronization signals.

Lemelson et al. describes what he calls a video transmission mode of operation at column 10 line 50. In the video mode, a television camera is scanned at a higher rate, and column 10 lines 57-58 describes that vertical and horizontal

synchronization signals are generated at the output of the sync generator 108. Note that this refers to Lemelson's figure 7A/7B. The system in figure 7A/7B creates sync signals on the sink generator 108 which is also physically within the same housing. The sync signals are used to drive the video monitor 42. Note again, these sync signals stay within the circuit shown in figure 7A and 7B. The sync signals are not wirelessly sent to another housing as required by the claim. The monitor is caused to display data generated by the video camera 12. Again, however, this is the local display, not a display based on information that is sent wirelessly from one housing to the other, as required by the claim.

Lemelson et al. does send information from one housing to another. As explained in column 11 lines 15-20, momentary closure of the pushbutton switch interacts with the sync pulses indicating the generation of a full frame, and records the presently generated video picture frame signal into memory 24. See column 11 lines 28-30. This operation records one of the pictures, and stores it in memory 24. See column 11 lines 44-50. The selected video transfer information can be sent to the remote telephone terminal. See column 11 lines 51-52. This video is transferred by actuating the switches, and then sending the video picture that has been previously stored. See column

11 lines 60-63 and column 12 lines 6-9. That is, this sends the previously stored picture information. A picture is sent from one housing to the other.

Lemelson sends a series of still pictures is certainly representative of the scene. However, Claim 2 requires that video synchronization signals are sent from one housing to another. As evident from the detailed explanation above, Lemelson et al. only uses his video synchronization signals internally. Lemelson et al. never teaches sending those video synchronization signals from one housing to the other as required by Claim 2. Instead, Lemelson et al. uses the video synchronization signals to form still pictures from the locally displayed video, and then to send those still pictures from one housing to another.

Lemelson et al. teaches sending still pictures from one housing to another. Lemelson et al. does not teach sending a video output including at least one synchronization signal from one housing to another. Nowhere is there any teaching or suggestion of a video signal with a synchronization signal being wirelessly sent from one housing to another in Lemelson et al. Lemelson shows still images being sent - no synchronization signals.

Since Lemelson et al. does not disclose sending a video output including at least one synchronization signal to the other housing wirelessly, Lemelson et al. cannot anticipate Claim 2. Therefore, Claim 2 should be allowable along with Claims 3, 5, 8 and 12 which depend therefrom.

Claim 3 defines both vertical and horizontal synchronization signals being sent wirelessly from one housing to another, which is further not disclosed by Lemelson et al.

Rejections under 35 USC 103

Lemelson et al. in view of Tymes

Claims 4 and 6 stand rejected over Lemelson et al. in view of Tymes. The claims 4 and 6 should be allowable by virtue of their dependency.

In addition, however, the hypothetical combination of Lemelson et al. in view of Tymes is improper and itself is based on hindsight, and even if made, would not make obvious these claims.

Tymes does teach a data communication network which teaches the different frequency channels can carry different data signals. Tymes teaches nothing about putting different synchronization signals on different channels. Therefore, the hypothetical combination of Lemelson et al. in view of Tymes is

made based on the teaching of the present specification. There is absolutely nothing in the hypothetical combination would suggest that Tymes' teaching of putting different data signals on different channels should be applied to synchronization signals at all. Certainly there is nothing about synchronization signals taught in Tymes. Tymes does teach that different frequencies can carry data signals, but never anything about synchronization signals. Therefore, the combination is itself improper.

Even if the combination were properly made, moreover, the hypothetical combination would still not teach or suggest the subject matter, for example, of Claim 4. Claim 4 defines that horizontal and vertical synchronization signals are produced on different frequency channels. Claim 4 requires that those signals be sent outside the device, which is not taught by Lemelson et al. See above. Even if Lemelson et al. did so teach this, all that Tymes teaches is that different data is coupled onto different channels. Synchronization signals are never mentioned by Lemelson in view of Tymes. The hypothetical combination of Lemelson et al. in view of Tymes simply teaches dividing things up among different channels, and not dividing horizontal and vertical synchronization signals respectively on two different frequency channels.

Lemelson et al. in view of Taaffe et al.

Claims 10, 13-16 and 19-21 stand rejected as being obvious over Lemelson, et al. in view of Taaffe et al. This contention is respectfully traversed. The rejection draws our attention to Taaffee et al.'s column 10 line 37-43 and column 11 lines 28-41. This explains that a monitor may have different portions or partitions. If only one of those partitions are to be changed, then the other images in other partitions are preserved. See page 10 lines 37-43. This explains that there are multiple images on the monitor, the images that are preserved are kept, the images that are not preserved are replaced. This is wholly different than the system of Claim 10, which defines a video being sent in this way. Taaffee et al. describes how to update a display that has multiple separated images. Claim 10, in contrast, defines a video.

Claim 13 should be allowable for similar reasons. Claim 13 defines receiving video information that includes "only new information representing changes in an image since a previous transmission". Nothing in Lemelson/Taaffe et al. teaches anything about this: Taaffe et al. merely describes that when there are multiple images on the same monitor, some of them can be retained while others are replaced.

Lemelson/Taaffe et al. teaches nothing about sending changes to an image, it only teaches sending new images. Admittedly it does so when there are multiple images on the same monitor, but it teaches nothing about the subject matter discussed above.

Claim 17 defines that the vertical sync and horizontal sync are respectively produced on separate frequency channels. There is no teaching or suggestion of this in Lemelson et al. in view of Taaffe et al. In fact, the official action never even alleges that either Lemelson et al. or Taaffe et al. teaches vertical and horizontal sync signals produced on separate frequency channels. The rejection of Claim 17 is clearly in error.

Each of Claims 19-21 should be allowable for analogous reasons.

Lemelson et al. in view of Pfeiffer et al.

Claim 9 is rejected over Lemelson et al. in view of Pfeiffer et al. Claim 9 should be allowable by virtue of its dependency.

Lemelson in view of Taafee and Tymes

Claims 11, 17 and 18 are even further patentable, since it represents an inherently different solution to the problem than the one suggested by Lemelson et al. Lemelson et al. reduces the video into stopped-motion images. This is very different than Claim 11 which defines transmitting the information in bursts.Taafee says nothing about information in bursts.

Moreover, Tymes does not teach or disclose this feature of updating the display part during the bursts, where the display part includes a video output including at least one synchronization signal. Tymes teaches a system where a barcode is scanned with a bar code scanning gun, the results of the scan are changed to an RF signal, and sent to a receiver. See generally Tymes' figure 2 which shows packets of information, and Tymes' figure 5 and 6 which shows how the barcode is converted into these packets. Tymes' Figure 7 shows the form of these packets. Each packet may refer to a barcode. Therefore, this is inherently different than anything that might occur in a video signal. In fact, Tymes' figure 11 illustrates how this system works. The barcode is loaded at 129, formed into a packet, and sent to the receiver. The receiver, once receiving that barcode, acts on that barcode. There is no teaching or suggestion in Tymes of updating a video display; just a

suggestion that a barcode can be used at some times when the devices scanning and other times when it is not.

In view of the above, reversal of the examiner's position is requested.

The $250 brief fee was previously paid. Please apply any outstanding charges or credits to Deposit Account No. 50-4376, small entity.

Respectfully submitted,

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Appendix of Claims

1. (Canceled).

2. (Previously Presented) A system, comprising:

a first housing having a data entry part allowing entry of data, a display part, allowing display of information, and a first wireless transceiver part, which communicates information; and

a second housing, separate from said first housing, and including a second wireless transceiver part, adapted to communicate with said first wireless transceiver part to exchange information therewith, said second housing including at least a video generation element which produces a video output including at least one synchronization signal, and sending said video output to said first housing to drive said display part to display information based on said video output with said at least one synchronization signal.

3. (Previously Presented) A system as in claim 2, wherein said at least one synchronization signal includes at least one horizontal synchronization signal and one vertical synchronization signal.

4. (Previously Presented) A system as in claim 3, wherein said horizontal and vertical synchronization signals are respectively produced on different frequency channels.

5. (Previously Presented) A system as in claim 2, wherein said video output includes analog video signals.

6. (Previously Presented) A system as in claim 2, wherein said first and second wireless transceiver parts communicate via spread spectrum modulation.

7. (Previously Presented) A system as in claim 2, wherein said at least one synchronization signal is contained within a same signal as said video output signal.

8. (Previously Presented) A system as in claim 2, wherein said video output signal includes an RGB signal.

9. (Previously Presented) A system as in claim 2, wherein said video generation element produces a digital signal with parallel bits, and converts said signal into a serial signal which is transmitted by said second wireless transceiver part to said digital first housing.

10. (Previously presented) A system as in claim 2, wherein said video generation element produces information indicative of an image to be displayed on said display part, but sends only new picture information representing changes in a displayed image when there is a change in some part of the image.

11. (Previously Presented) A system as in claim 10, wherein said information is transmitted in bursts to update the display part during said bursts.

12. (Previously Presented) A system as in claim 2, further comprising a third housing, also including a data entry part allowing entry of data, a display part allowing display of information and another wireless transceiver part communicating information, wherein said third housing also communicates information to said second housing and receives data from said second housing.

13. (Previously Presented) A system, comprising:

a data entry part, allowing entry of data;

a display part, allowing display of information; and

a first wireless transceiver, allowing transmission of data

entered by said data entry part to a remote processing terminal, and receiving video information from said remote processing terminal, said video information being indicative of information to be displayed on said display part, and including only new image information representing changes in an image since a previous transmission.

14. (Previously Presented) A system as in claim 13, further comprising a second unit, physically separated from said data entry part, said display part, and said first wireless transceiver, and communicating with said first wireless transceiver via a second wireless transceiver, said second processing unit including a video processing part which processes video information to produce an output indicative of said video information.

15. (Previously Presented) A system as in claim 13, wherein said video information includes video synchronization information.

16. (Previously Presented) A system as in claim 15, wherein said video synchronization information includes at least

vertical synchronization information and horizontal synchronization information.

17. (Previously Presented) A system as in claim 16, wherein said vertical synchronization information and horizontal synchronization information are respectively produced on separate frequency channels.

18. (Previously Presented) A system as in claim 14, wherein said wireless transceiver and said second wireless transceiver communicate using spread spectrum modulation.

19. (Previously Presented) A system as in claim 14, wherein said wireless transceiver produces a signal for said second wireless transceiver indicative of information entered on said data entry part.

20. (Previously Presented) A system as in claim 13, wherein said data entry part includes a keyboard.

21. (Previously Presented) A system as in claim 13, wherein said video information includes digital data in a serialized form.

22. (Withdrawn) A method, comprising:

first interfacing with a first data entry device by sending information from a first data entry device wirelessly to a first processing unit which is remote from said first data entry device, and using said processing unit to create results from said information and to produce data indicative of a display based on said results and sending said data indicative of said display to said first data entry device to be displayed thereon;

second interfacing with a second data entry device by sending of information from the second data entry device wirelessly to said first processing unit and creating results from said information and producing data indicative of a display based on said results and sending said data indicative of said display to said second data entry device to be displayed thereon; and

operating a protocol driver which establishes priority of communication between said first and second data entry device and said processing unit, wherein said first interfacing and said second interfacing each comprise sending data to the respective display indicative only of parts of an image which have changed since a last transmission.

23. (Canceled)

24. (Withdrawn) A method as in claim 22, wherein said data indicative of the display includes formatted display data.

25. (Withdrawn) A method as in claim 22, further comprising updating displays of the first and second data entry devices in bursts of information.

26. (Withdrawn) A method as in claim 22, wherein said first and second interfacing comprise communicating with the first and second data entry devices using spread spectrum modulation.

27. (Withdrawn) A method as in claim 22, wherein said first interfacing and second interfacing comprises forming signals to be carried on multiple separate carrier frequencies.

28. (Withdrawn) A method as in claim 24, wherein the formatted display data includes display data and synchronization information.

29. (Withdrawn) A method as in claim 22, wherein said data indicative of the display includes video information and synchronization information.

30. (Withdrawn) A method as in claim 22, wherein said first and second interfacing comprises modulating information on a wireless carrier.

31. (Withdrawn) A system, comprising:

graphics processing element, having memory locations which represent picture information to be displayed;

a display element, remote from said graphics processing element, and displaying information based on said picture information in said memory locations; and

a wireless communications system communicating information between said graphics processing element and said display element.

32. (Withdrawn) A system as in claim 31, wherein said wireless communications system communicates via spread spectrum communication.

33. (Withdrawn) A system as in claim 31, wherein said graphics processing element operates to create digital parallel information indicative of the graphic information, and to convert said digital parallel information into serial information, wherein said wireless communications system transmits said serial information.

Evidence Appendix

None.

Related Proceedings Appendix

None.